<u>AMENDMENTS TO THE DRAWINGS</u>:

Please replace drawing pages 1 through 18 including Figures 1 through 13 with the set of corrected drawing pages 1 through 23 including Figures 1 through 13 filed contemporaneously herewith.

<u>REMARKS</u>

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request entry of the amendment and reconsideration of the claims in view of the remarks presented below.

Claims 1, 3, 5-7, 9-11 and 13 have been amended. Claims 19-23 have been withdrawn. Thus, claims 1-18 are pending in the application.

The specification has been amended as indicated above to correct inadvertent typographical errors. No new matter was added.

A new set of drawings are being filed contemporaneously herewith to address the request for corrected drawings on page 3 of the office action. The only changes to the drawings were to correct inadvertent typographical errors and to formalize drawing with handwritten text. Applicant believes that the new set of drawings complies with 37 CFR 1.121(d) and requests that the drawings be accepted by the Examiner.

Various amendment to the claims were made to correct inadvertent typographical errors or omissions, or to provide proper antecedent basis to address the Examiner's objections. No new matter was added.

Claims 1-18 were provisionally rejected on the ground of nonstatutory double patenting over claims 115-121 of co-pending Application No. 90/626577, as filed on 5/18/2007. A terminal disclaimer is being filed herewith. Applicant thus respectfully submits that this rejection is now moot, and requests that it be withdrawn.

Claims 1-6 were rejected under 35 U.S.C. 102(b) as being anticipated by Barkan (International Pub. No. WO 98/17042. Applicant respectfully traverses this rejection.

It is axiomatic that, to anticipate a claim, a reference must disclose each and every element or step of the claim. Barkan does not teach, or even suggest, transmitting a message from a server to a recipient, the message including a pixel for indicating the opening of the message at the recipient at the server, as is claimed in claim 1. Barkan is directed to a system for making a recipient accept or reject an email message before the recipient knows the contents of

the message or identity of the server. In fact, the recipient cannot open the message until the recipient accepts the message, whereupon a key is sent to the recipient to open the message. This is completely unlike the method claimed in Applicant in claim 1, where the server transmits a message to a recipient and the transmitted messaged contains a pixel that, when the message is opened by the recipient, is altered to indicate that the message was opened. Barkan discloses nothing even remotely similar or suggestive of such a pixel.

Moreover, in Applicant's method, there is no need for a key to be sent from the server to the recipient to allow the recipient to open the message. Barkan only teaches receiving an indication that a recipient has accepted an email message, not that the message was opened by the recipient. For these reasons, Applicant respectfully submits that claim 1, and claims 2-6 dependent thereon, are patentable over the cited art and requests that the rejection be withdrawn and the claims allowed.

Claims 7-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barkan and Ouchi (U.S. Patent No. 5,978,836). Applicant respectfully traverses this rejection.

As discussed previous, neither Barkan nor Ouchi teach or even suggest including a pixel for indicating the opening of a message at a recipient in the message at a server before the message is transmitted to the recipient, as is claimed in independent claims 7-13. Further, Ouchi teaches a system directed towards obtaining sequential review and approvals of forms. Operation of the Ouchi system requires a SQL database of addresses that is accessed by a route manager to route a message to multiple addressees. To do this, the message must be returned to the route manage which then determines which addressee to send the message to next. Thus, Ouchi requires that the "stations", as that term has been interpreted by the Examiner in view Ouchi, must be known to the sender before the message is sent.

This is completely different from the method claimed by Applicant in claims 7 and 13. Applicant's method does not require the use of a route manager or a SQL database of addresses. Rather, Applicant's method receives an attachment that contains a list of the interim stations that a message has passed through on a network on its way to and from an intended recipient of a message. The identity of those interim stations is not known to the sender before the message is sent, but rather are a result of the network routing of the message. Those skilled in the art of

network communications understand that when a message is sent over a network, the message may pass through many nodes, or routers, on the network on its way to and from and recipient. Moreover, using the internet, it is common that an individual message is divided into packets, and that each packet may take a different route to a destination, where the message is reconstituted. Applicant's inventions of claims 7 and 13 form an attachment from a record of the routing of the message from a sender to a single destination, and then provide an encrypted hash of the message and the attachment. Since the interim stations are not known to the sender before the message is sent to the recipient, each attachment can potentially be a record of a unique routing for an individual message. None of these steps are taught or even suggested by any of the art cited, taken alone or in combination. For these reasons, Applicant respectfully suggests that claims 7 and 13, and the claims dependent therefrom, are patentable over the cited art, and requests that the rejections be withdrawn and the claims allowed.

CONCLUSION

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicants request that the Examiner contact Applicants' attorney, John Fitzgerald, at 310-242-2667.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425.

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Respectfully submitted,

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